

Mrs. Thelma C. Heatwole

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G. E. Inskeep

Remarks on Office Action on Helf. 582-518, PM #472

The bentonite in the present specification is not described as "calcined" and is not intended to be, but is the naturally occurring finely divided or substantially colloidal form.

Kauffman specifies and claims repeatedly calcined bentonite as the carrier for medicaments or vaporizable smoke-treating agents, and describes the calcined bentonite as having "few, if any, of the distinguishing characteristics by which bentonites are commonly identified and that it is a substantially different substance from the starting or non-calcined bentonite." (p. 3, col. 2, l. 44). The calcined product is said to be no longer colloidal. The agglomeration which is responsible for this means that the product would not have the characteristics itemized on p. 7, l. 12, of the present specification, since there would be considerable pores and fissures and the particles could absorb nicotine (at least in the sense of taking the liquid into the pores). The molded form of Kauffman would be even less applicable.

The calcined bentonite is said to be a selective adsorbent for nicotine. This would make it unsuitable for choice as a carrier intended to release nicotine to the smoke; that is, it could hardly be characterized as a "weak adsorbent," by the definition of our specification. As was remarked in regard to the first Office Action, our requirement for weak adsorbents for nicotine rules out those, as in Irby, et al., and Kauffman, having a strong affinity for it. Because they do not teach the use of weak adsorbents, those references do not, even when taken with Bavley, et al., make obvious the present invention.

It is admittedly unfortunate that one or two of our weak adsorbents (silica gel, zeolite) have the same name as adsorbents

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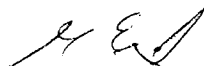
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of Irby, et al.; this is because each actually represents a broad spectrum of materials, some of which fall into our classification of weak adsorbents and some which do not.

I hope it will not be necessary for us to fall back to claims to primary weak adsorbents or to carbon blacks, but this approach might be considered.



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